

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listing of claims in the above-identified application.

Listing of Claims:

1. (Currently Amended) A double blind evaluation method for eliminating actual and potential bias from a malpractice claim evaluation ~~process a malpractice claim,~~ comprising the steps of;

retention by an entity having a direct or indirect interest in the claim of a neutral third party to obtain an independent evaluation of the claim;

acquisition by the third party of facts relating to the claim which are sufficient to permit an independent objective evaluation of the claim;

retention by the third party of a qualified independent expert to perform the claim evaluation;

redaction by the third party from the sufficient facts of all facts which would permit the expert to identify any party involved or having an interest in the claim;

submission by the third party of the sufficient facts after redaction to the expert in order to permit the expert to make an independent objective evaluation of the claim;

preparation by the expert of a written independent objective evaluation of the claim;

submission of the written claim evaluation by the expert to the third party;

redaction by the third party from the written claim evaluation of any information which would permit identification the expert; and

submission of the redacted evaluation to the entity retaining the third party.

2. (Original) The method of claim 1, and in which the third party, in acquiring facts which are sufficient to permit an independent objective evaluation of the claim, acquires a plurality of the following:

- (a) facts and documents that relate to the claim;
- (b) background information about the party asserting the claim;
- (c) background information about the party against whom the claim is asserted; and
- (d) facts about the party's peer group in the same geographic area.

3. (Original) The method of claim 2, and in which the background information includes a plurality of the following types of information:

- (a) resumes;
- (b) at least one curriculum vitae;
- (c) educational history;
- (d) employment history; and
- (e) professional training.

4. (Currently Amended) The method of claim 1 for generating an independent evaluation by an expert of a medical malpractice claim asserted by a claimant, comprising the expert: wherein preparation by the expert of a written independent objective evaluation of the claim comprises;

- (a) stating medical cause of claimant's condition and including appropriate citations from medical literature;

(b) stating whether there was any action/inaction by the claimant which can be attributed to or cited as the cause of the current condition, listing by symptoms and/or cause;

(c) stating the identity of each provider providing treatment to the claimant and, for each provider,

(i) stating each symptom/cause treated by that provider and the treatment rendered to claimant,

(ii) stating the reasonable standard of care for each symptom/cause treated, including citations from medical literature for the standard of care, and either

(A) stating ~~at least one~~ or more arguments why each treatment actually rendered did ~~not meet the applicable standard of care, and providing citations from medical literature for all arguments~~ each of said one or more arguments why each treatment actually rendered did meet the applicable standard of care, or

(B) stating ~~at least one~~ or more arguments why each treatment actually rendered did not meet the applicable standard of care, and providing citations from medical literature for ~~all arguments~~ each of said one or more arguments why each treatment actually rendered did not meet the applicable standard of care.

5. (Currently Amended) The method of claim 4- 1, ~~and, with respect to the expert~~
~~stating the reasonable standard of care for each symptom/cause treated, wherein preparation~~
by the expert of a written independent objective evaluation of the claim comprises:

(a) stating medical cause of claimant's condition and including appropriate citations
from medical literature;

(b) stating whether there was any action/inaction by the claimant which can be
attributed to or cited as the cause of the current condition, listing by symptoms and/or
cause;

(c) stating the identity of each provider providing treatment to the claimant and, for
each provider,

(i) stating each symptom/cause treated by that provider and the treatment rendered
to claimant,

(ii) stating the reasonable standard of care for each symptom/cause treated,
including citations from medical literature for the standard of care; and both

stating at least one or more arguments why each treatment actually rendered did not
meet the applicable standard of care, and providing citations from medical literature for all
each of said one or more arguments why each treatment actually rendered did meet the
applicable standard of care, and

stating at least one or more arguments why each treatment actually rendered did not
meet the applicable standard of care, and providing citations from medical literature for all
each of said one or more arguments why each treatment actually rendered did not meet the
applicable standard of care.

6. (Original) The method of claim 4, and including the step of the expert stating the treatment that the expert would have selected to be rendered to the claimant, given the claimant's symptom and/or cause and providing citations from medical literature for treatment so selected.

7. (Original) The method of claim 5, and including the step of the expert stating the treatment that the expert would have selected to be rendered to the claimant, given the claimant's symptom and/or cause and providing citations from medical literature for treatment so selected.

8. (Cancelled)

9. (New) A method for evaluating a malpractice claim, comprising:

receiving, from a retaining party, a set of facts relating to the claim, said set of facts including facts sufficient to permit an objective evaluation of the claim;

redacting said set of facts to create a set of redacted facts by removing information sufficient to identify, directly or indirectly, all parties, persons and entities having an interest in the claim;

selecting an independent, neutral medically trained expert to evaluate the claim;

providing the set of redacted facts to the expert for evaluation;

receiving, from the expert, an objective evaluation of the claim based on said set of redacted facts;

redacting said objective evaluation to remove any information defining or suggesting the identity of the expert; and
providing said redacted objective evaluation to the retaining party.

10. (New) The method of claim 9 wherein said retaining party is a claimant or a claimant's representative.

11. (New) The method of claim 9 wherein said retaining party is an insurance company or an insurance company's representative.

12. (New) The method of claim 9 wherein said expert is selected at least in part based on having a medical board certification in a medical specialty related to one or more treatments or conditions identified in the claim.

13. (New) The method of claim 9 wherein said expert is selected at least in part based on having a professional registration in a medical specialty related to one or more treatments or conditions identified in the claim.

14. (New) The method of claim 9 wherein, subsequent to providing said objective evaluation, the expert is precluded from obtaining information regarding the outcome of the claim.

15. (New) The method of claim 9 wherein the expert is further selected to evaluate a successive claim, and the expert is precluded from obtaining any information regarding the outcome of the claim.

16. (New) The method of claim 9 wherein the expert is retained prior to the filing of any litigation by said retaining party or another party adverse to said retaining party with respect to the claim.

17. (New) The method of claim 9 wherein said objective evaluation includes an objective monetary valuation of the claim.

18. (New) The method of claim 9 wherein said objective evaluation includes a description of relevant standards of care for one or more medical conditions or treatments associated with the claim, wherein said relevant standards of care include at least one of a local or regional standard of care and one of a national standard of care.

19. (New) The method of claim 18 further including citations from medical literature related to each of said relevant standards of care.

20. (New) The method of claim 9 wherein said objective evaluation includes a description of relevant standards of care for one or more medical treatments or medical conditions associated with the claim, wherein said relevant standards of care include a gold standard of care and at least one of a local, regional or national standard of care.

21. (New) The method of claim 20 further including citations from medical literature related to each of said relevant standards of care.

22. (New) The method of claim 9 wherein said objective evaluation includes:
a description of one or more standards of care applicable to a treatment associated with the claim;

one or more arguments why the treatment rendered met the one or more applicable standards of care; and

one or more arguments why the treatment rendered did not meet the one or more applicable standards of care.

23. (New) The method of claim 22 further comprising providing, for each of said arguments, a citation to the medical literature.

24. (New) The method of claim 9 wherein said objective evaluation includes a description, provided by the expert, of a suggested course of treatment, said description of suggested course of treatment provided without regard to the specific treatment described in the claim.

25. (New) The method of claim 9 wherein said objective evaluation is prepared by said expert by:

selecting one or more standards of care applicable to one or more medical treatments associated with the claim;

assuming, for each board-certified physician who rendered care to the claimant, that the physician's retention of such certification depends on whether the treatments rendered by the physician met the appropriate standards of care for a board-certified physician treating said medical conditions; and

including, in said objective evaluation:

a description of the one or more medical treatments rendered by the board-certified physician;

the selected standard or standards of care applicable to said one or more medical treatments;

an opinion regarding whether each of said one or more medical treatments rendered met the selected standard or standards of care; and

an explanation for each opinion.

26. (New) The method of claim 25 wherein said explanation for said each opinion includes one or more citations to medical literature supporting said each opinion.